

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

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| D'ANDRE DELVON SAMUELS, |) | |
| Plaintiff, |) | Civil Action No. 7:18cv00597 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| GREGORY P. WINSTON, <u>et al.</u>, |) | By: Michael F. Urbanski |
| Defendants. |) | Chief United States District Judge |

Plaintiff D'Andre Delvon Samuels, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Gregory P. Winston and Corrections Officer Jordan. Samuels' complaint alleges no facts against or conduct committed by either of the named defendants. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). The court conditionally filed Samuels' complaint, advised him that the complaint was deficient because it failed to allege facts against or conduct committed by the defendants, and gave Samuels the opportunity to amend the complaint. See ECF No. 7. Samuels did not respond to the court's order. Because the complaint does not allege any facts against or conduct committed by named defendants, the court will dismiss this action without prejudice pursuant to 42 U.S.C. § 1997e(c)(1), for failure to state a claim.¹

ENTER: This 11th day of March, 2019.

/s/ Michael F. Urbanski

Chief United States District Judge

¹ Samuels' complaint alleges, in toto: "sexual harassment," "damaged character," "verbal assault" . . . "I asked for a grievance and they refused to bring me one" . . . "trauma resulting from this experience pain and suffering [sic]." As relief, Samuels states that he "feel[s] like something needs to be done about this so it does[n't] happen to someone else." The court notes that Samuels indicates on the complaint that he has not yet exhausted administrative remedies regarding the facts in his complaint.